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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,472	05/02/2007	Goran Dahlberg	ABEI-41355	1306
116 7590 12/29/2011 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108				
EXAMINER DENTER, CLARK F				
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
12/20/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/594,472

Applicant(s)

DAHLBERG, GORAN

Examiner

CLARK F. DEXTER

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2011 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-848)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 18, 2011 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 12-19 stand rejected under 35 U.S.C. 102(e) as being anticipated by Matsuura, Pub. No. 2004/0237317.

Matsuura discloses a device with every structural limitation of the claimed invention as described in detail for claims 1-11 in the previous Office action (mailed 2/23/10). For example, regarding claim 12, Matsuura discloses the following:

a drive unit (e.g., see the end of paragraph 18) that via a shaft tube (e.g., 1) is connected to a cutting unit (e.g., 5) that is operable to have a cutting movement and that is turnably secured at the shaft tube and is moveable between a transport position and a working position range at least two positions, the cutting unit being provided with one or several moveable cutting elements (e.g., including 3, 4) that have a cutting movement during operation of the cutting unit,

wherein the tool is provided with first means (e.g., 22, including the structure shown in Figs. 1, 2) for locking operation of the cutting unit and the cutting movement of the cutting elements when the cutting unit is in the transport position,

wherein the tool is provided with a gear (e.g., 13) arranged between the shaft tube and the cutting unit,

wherein the gear comprises a gear housing formed by a first and a second gear housing part (e.g., one of 6, 7) that are turnably supported to one another,

characterized in that one of the gear housing parts is provided with a knob (e.g., the reciprocable portion of 1 as shown in Fig. 4 indicated by the double-headed arrow, and including 20) arranged to engage a stop member (e.g., the member that includes recesses 19) on the other gear housing part and which in the engaged state limits the angular motion of the cutting unit to the working position range, but still allows the cutting unit to move within the working range (e.g., when feature 20 engages the other

part on the surface of the member between recesses 19, engagement occurs and movement within the range between the features 19 is allowed), when an operator is changing the working position of the tool, to prevent that the user unintentionally turns the cutting unit out of the working position range and that the cutting movement of the cutting elements are thereby stopped (Matsuura discloses all of the claimed structural elements and thus is fully capable of performing the claimed function; for example, feature 20 is spring biased toward the opposing gear housing part and will automatically enter into one of the recesses 19 during movement to change the working position of the tool which will prevent that the user unintentionally turns the cutting unit out of the working position range, and further, the locking together of the appropriate ones of features 19, 20 will prevent that the cutting movement of the cutting elements are thereby stopped by maintaining the cam surface 26a in the operable position in contact with pin 23).

Response to Arguments

4. Applicant's arguments filed January 25, 2011 have been fully considered but they are not persuasive for at least the reasons as further described in the prior art rejection above. Applicant is invited to contact the Examiner to discuss language to distinguish the claimed invention over Matsuura.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLARK F. DEXTER whose telephone number is

(571)272-4505. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/
Primary Examiner, Art Unit 3724**

cfd
December 16, 2011